## BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

| DUANE EMANUEL )                                   |                    |
|---|--------------------|
| VS. Claimant )                                    | Docket No. 102 944 |
| INDIAN TRAILS MANOR, INC. Respondent              | Docket No. 193,844 |
| AND   |                    |
| FIREMANS FUND INSURANCE COMPANY Insurance Carrier |                    |

## ORDER

Claimant appeals from a December 15, 1994, Preliminary Hearing Order entered by Administrative Law Judge Floyd V. Palmer.

## Issues

Whether the evidence establishes that claimant suffered accidental injury arising out of and in the course of his employment with the respondent.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board has jurisdiction to review a finding regarding a disputed issue of whether an employee suffered an accidental injury which arose out and in the course of the employee's employment. K.S.A. 44-534a.

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds that claimant has failed to meet his burden of proving that he met with accidental injury arising out of and in the course of his employment with the respondent on August 29, 1994 as alleged.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the December 15, 1994, Order of Administrative Law Judge Floyd V. Palmer should be, and is hereby, affirmed in all respects.

| IT IS SO ORDERED.              |
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| Dated this day of March, 1995. |
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| BOARD MEMBER                   |
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| BOARD MEMBER                   |

cc: Roger D. Fincher, Topeka, KS
Patrick M. Salsbury, Topeka, KS
Floyd V. Palmer, Administrative Law Judge
George Gomez, Director